

## **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### **STATUS OF CLAIMS**

Claim 90-111 were pending. Claims 97, 98, 106, and 107 are withdrawn without prejudice or disclaimer. Claims 90 and 99 have been amended.

A detailed listing of all claims that were in the application is presented with an appropriate defined status identifier, regardless of whether the claims remain under examination in the application. Upon entry of this amendment, claims 90-96, 99-105, 108-111 will remain pending. No new matter has been added.

#### **1. Withdrawal of claims 97-98, 106-107**

The Examiner determined that claims 97, 98, 106, and 107 correspond to the withdrawn non-elected groups as set forth in the Office Action dated October 19, 1999. These claims were inadvertently included in the elected group and are hereby withdrawn. The Applicants reserve the right to file one or more divisional applications on these claims.

#### **2. Rejection under 35 U.S.C. § 112, first paragraph**

The Office rejected claims 90-96, 99-105, 108-111 for allegedly failing to comply with the enablement and written description requirement.

Independent claims 90 and 99 have been amended.

With respect to the assertion that the claims encompass “all and every neurological disorder”, the Examiner will see that claim 90 and 99 has been amended accordingly.

The written description and enablement rejection hinges on the following. First, the Examiner asserts that the compounds of the invention will not cross the blood-brain barrier because of their structure, thus must be administered intracranially, a mode of administration that the Examiner describes as being complex and a potential cause of brain damage. Second,

the Examiner asserts that the specification exclusively provides a “description limited to topical composition” (Office Action, pages 3-4).

The Applicants draw the Examiner’s attention to Table II (listing compounds) on page 35 and Table III (listing corresponding test data) on page 39 of the specification. Table III presents data showing that compounds that fall within the scope of instant formula (I) and other compounds that are similarly substituted with a carboxylic acid or carboxylic acid isostere group are efficacious in neuronal regeneration after induction of MPTP-derived lesions. The Examiner will also note that the compounds are administered systemically, (page 38, lines 2-5).

The instant claims are drawn to methods of treating a neurological disorder, specifically peripheral neuropathies, without any limitations on the theory of the mechanism of action of the claimed compounds. The Applicants do not wish to speculate about the mechanism of action or the ease at which the compounds shown in Table II and III cross the blood-brain barrier. It is clear from the data shown, however, that compound within the scope of formula I and similarly substituted compounds are effective in neuronal regeneration with activities ranging from 14% to 46.5% recovery.

On page 4 of the Office Action, the Examiner states that the specification “exclusively disclosed on pages 45-50, topical compositions containing the compounds.” The Applicants respectfully disagree and direct the Examiner’s attention to pages 22-27 and 37-39 of the specification for teachings on the preparation and methods of using pharmaceutical compositions comprising compounds of the invention (e.g., for oral, parenteral, inhalation spray, topical, rectal, nasal, and buccal administration, see page 22, last 5 lines). Specifically, pages 22-25 describe how to prepare numerous compositions, as well as the state of the art at the time of the invention. Pages 37-39 provide support for efficacy of the claimed compounds and compositions in treating peripheral neuropathies.

In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under § 112, first paragraph.

**CONCLUSION**

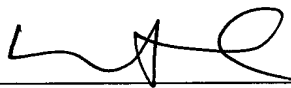
Applicant believes that the present amendment places the application in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the application to allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 29-Aug-2006

By 

FOLEY & LARDNER LLP  
Customer Number: 29728  
Telephone: (202) 295-4059  
Facsimile: (202) 672-5399

Rouget F. Henschel  
Attorney for Applicant  
Registration No. 39,221